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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MIGUEL GARZA,

11 Petitioner,

No. CIV S-05-0665 GEB DAD P

12 vs.

13 ROSANNE CAMPBELL, et al.,

14 Respondents.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas
17 corpus. In response to the court's order filed April 6, 2005, petitioner has notified the court that
18 the state habeas petition received by this court on April 5, 2005, was sent to this court in error.
19 Plaintiff requests that his petition for writ of habeas corpus be returned to him so that he can
20 submit it to the California Supreme Court.

21 Good cause appearing, IT IS HEREBY ORDERED that:

- 22 1. Petitioner's April 15, 2005 request for return of his habeas petition is granted.
23 2. The Clerk of the Court shall return to petitioner the habeas petition submitted
24 to this court in error on April 5, 2005.
25 3. The Clerk of the Court shall note on the docket that the entire petition
26 submitted in paper format on April 5, 2005, has been returned to petitioner pursuant to this order.

1 4. Petitioner's request for return of his petition is deemed to be a request for
2 voluntary dismissal of this case, and the Clerk of the Court is directed to close the case.

3 DATED: April 19, 2005.

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6 DALE A. DROZD
7 UNITED STATES MAGISTRATE JUDGE

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